

TEXAS TRANSPORTATION COMMISSION

CHAMBERS County

MINUTE ORDER

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BEAUMONT District

Transportation Code, §228.0111, establishes a process for providing local toll project entities, defined as regional tollway authorities, regional mobility authorities, or counties acting under Transportation Code, Chapter 284, with the first option to develop, construct, and operate toll projects located within the boundaries of the local toll project entity.

In Minute Order 111410, dated June 26, 2008, the Texas Transportation Commission (commission) adopted policies relating to the implementation of this process, which determines whether the Texas Department of Transportation (department) or a local toll project entity will develop, construct, and operate a toll project located within the boundaries of the local toll project entity.

In accordance with the requirements of Transportation Code, §228.0111 and the policies included in Minute Order 111410, the department and the counties in which State Highway 99 (Grand Parkway) is located entered into a Market Valuation Waiver Agreement, effective March 25, 2009, in which the parties agreed on the terms and conditions for the development, construction, and operation of the Grand Parkway, agreed to waive the development of a market valuation of the Grand Parkway, and agreed to certain other provisions applicable to the development, construction, and operation of the Grand Parkway.

As required by Transportation Code, §228.0111(e), the agreed terms and conditions were approved by the Houston-Galveston Transportation Policy Council, the metropolitan planning organization for the area in which the Grand Parkway is located, in Resolution No. 2008-08, dated August 22, 2008.

In accordance with the requirements of Transportation Code, §228.0111(g), on September 22, 2009, Chambers County (county) elected to exercise its option to develop, construct, and operate the portion of the Grand Parkway located within the territory of the county (project). By resolution and order adopted on July 13, 2010, the county withdrew its previous election to exercise that option, effectively failing to exercise its option, and providing for the reversion to the department of the right to develop, construct, and operate the Project.

Transportation Code, §228.0111(i) provides that if a local toll project entity does not exercise the option to develop, finance, construct, and operate a toll project, or does not enter into a contract for the construction of the project and make a commitment described in Transportation Code, §228.0111(g)(2) within the prescribed two-year period, the department has the option to develop, finance, construct, and operate the toll project under the agreed terms and conditions.

The department did not exercise its option to develop, finance, construct, and operate the project within two months of the county's July 13, 2010 election not to exercise its option, as required by Transportation Code, §228.0111(i). Under Transportation Code, §228.0111(j), if the department does not exercise its option, the department and the local toll project entity may meet again for the purpose of agreeing on terms and conditions for the development, construction, and operation of a toll project, and shall follow the process prescribed in Transportation Code, §228.0111(f)-(i).

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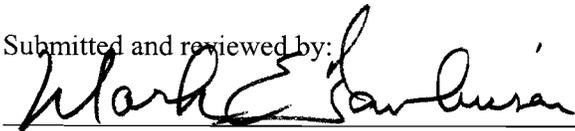
BEAUMONT District

In accordance with the requirements of Transportation Code, §228.0111, the department and the county, by letter agreement dated November 16, 2010, confirmed (1) their agreement on the terms and conditions for the development, construction, and operation of the portion of the Grand Parkway in the county, (2) their agreement to waive the development of a market valuation for the Grand Parkway project, and (3) the county's election not to exercise its option to develop, construct, operate, and maintain the portion of the Grand Parkway located within the county.

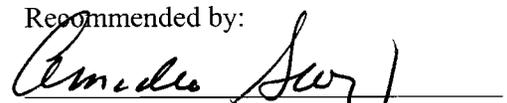
The department has determined that its option to develop, finance, construct, and operate the portion of the Grand Parkway located within the county should be exercised. Minute Order 111410 provides that the commission must approve any department determination to exercise an option to develop, finance, construct, and operate a toll project under Transportation Code, §228.0111.

IT IS THEREFORE ORDERED by the commission that the department's determination to exercise its option to develop, finance, construct, and operate the portion of State Highway 99 (Grand Parkway) in Chambers County, pursuant to Transportation Code, §228.0111(i), is approved.

Submitted and reviewed by:

  
Director, Texas Turnpike Authority Division

Recommended by:

  
Executive Director  
**112528 DEC 16 10**

Minute  
Number

Date  
Passed